



Honorable Gregg W. Zive
United States Bankruptcy Judge



Entered on Docket
February 06, 2013

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

CASE NO.: 10-51372

Chapter 11

ROGER PIERRE BAYLOCQ

ORDER

Revested Debtor.

Hearing Date: January 28, 2013

Hearing Time: 2:00 p.m.

Debtor Roger Pierre Baylocq's Motion for Sanctions against SunTrust Mortgage, Inc. and U.S. Bank, NA ("Motion for Sanctions"), having regularly come on for hearing at the above-stated date and time, Debtor and his counsel White Law Chartered, John White, Esq. appearing and The Cooper Castle Law Firm, Charles L. Kennon, III, Esq. appearing for SunTrust Mortgage, Inc., ("SunTrust"), the court having heard testimony from Debtor, and

1
2 considered the arguments of counsel, and the court having stated its findings and
3 conclusions on the record at the conclusion of the hearing as provided in F.R.Bank.P.
4 7052, and good cause appearing:
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6 1. SunTrust is ordered to immediately convey the real property situate at 2370
7 Delmonte Lane, Reno, NV, more particularly described in Exhibit A, ("Property") to
8 Debtor as provided in the parties' September 27, 2011 Stipulation (Docket 147), herein
9 "Stipulation," approved by order entered herein on September 28, 2011 (Docket 149),
10 and incorporated into the Roger Pierre Baylocq's May 31, 2011 Plan of Reorganization, as
11 confirmed by order entered herein April 9, 2012 (Docket 169), herein "Plan". This shall
12 be accomplished no later than 5:00 p.m. on Wednesday, January 30, 2013, provided
13 however that if Debtor demands a grant deed to the Property from U.S. Bank, the transfer
14 shall be accomplished no later than 5:00 p.m. on Monday, February 11, 2013.
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18 2. SunTrust shall promptly pay Nine Thousand Five Hundred Dollars (\$9,500.00)
19 to White Law Chartered as and for its attorneys fees and costs in bringing and
20 prosecuting the Motion for Sanctions, filed January 11, 2013 (Docket 183) and the earlier
21 Motion to Compel filed herein by Debtor on August 20, 2012 (Docket 171).
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23 3. Sun Trust shall pay Five Thousand Dollars (\$5,000.00) to Roger Baylocq by
24 reducing the outstanding balance of the note described in the Stipulation from \$675,000
25 to \$670,000.
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2 4. In the event that this court determines to conduct any further hearing(s) on this
3 matter, at least one senior officer from both U.S. Bank, N.A. and SunTrust, familiar with the
4 matter at issue, shall personally appear at such hearing(s).
5

6 5. Debtor is excused from making any payment he was required to make by the
7 terms of the Stipulation until the Property is conveyed. Assuming timely compliance with
8 this Order, Debtor's first payment is due March 1, 2013. SunTrust is not entitled to collect
9 on any escrow advances made up to this point.
10

11 6. The deed issued by U.S. Bank pursuant to this Order is for the purpose of
12 implementing the provisions of the Stipulation and giving Debtor insurable title. A Deed
13 of Trust in favor of SunTrust recorded against the Property in accordance with the
14 Stipulation, as modified by this Order, shall remain a first lien against the Property, as
15 provided in the Stipulation. No lien which was not a valid secured claim against the
16 Property on the Effective Date of the Plan shall be revived by reason of this Order. The
17 Internal Revenue Service lien asserted in Claim # 14, on file herein, shall be subordinate
18 to the Deed of Trust described in the Stipulation.
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22 7. This Court reserves jurisdiction to enter such further and other order(s) as may
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be necessary to implement this Order.

8. This Order shall be effective immediately.

Submitted this 5th day of February, 2013.
by:

Approved/Disapproved
by:

WHITE LAW CHARTERED

THE COOPER CASTLE LAW FIRM

By: /s/ John White
John White, Esq.

By: /s/ Charles Kennon
Charles L. Kennon, III Esq.

Approved/Disapproved

Approved/Disapproved

Internal Revenue Service

Roger Pierre Baylocq

See Attached
by: Rollin Thorley, Esq.

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be necessary to implement this Order.

8. This Order shall be effective immediately.

Submitted this ____ day of February, 2013.
by:

Approved/Disapproved
by:

WHITE LAW CHARTERED

THE COOPER CASTLE LAW FIRM

By: /s/ John White
John White, Esq.

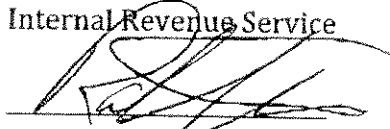
By: _____
Charles L. Kennon, III Esq.

Approved/Disapproved

Approved/Disapproved

Roger Pierre Baylocq

Internal Revenue Service


by: Rollin Thorley, Esq.

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CERTIFICATION PURSUANT TO LR 9021

Counsel submitting this document certifies that the order accurately reflects the Court's ruling and that (check one):

<input type="checkbox"/>	The court has waived the requirements set forth in LR 9021(b)(1).
<input type="checkbox"/>	No party appeared at the hearing or filed an objection to the Motion.
<input checked="" type="checkbox"/>	I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below: Charles Kennon, III, Esq. - (Copy delivered by email on February 1, 2013) - <u>Approved</u> /Disapproved on _____ / Failed to respond Unrepresented parties appearing- None
<input type="checkbox"/>	I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order, and no parties appeared or filed written objections.

Dated this 5th day of February, 2013.

WHITE LAW CHARTERED


JOHN WHITE, ESQ.

Exhibit “A”

Exhibit “A”

3298679
18/31/2005
18 of 18

EXHIBIT "A"
Legal Description

All that certain real property situate in the County of Washoe, State of NEVADA, described as follows:

PARCEL 1:

COMMENCING at the Southwest corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 1, Township 18 North, Range 19 East, M.D.B.&M.; thence North $89^{\circ}47'$ East along the Southern line of said Northwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of said Section 1, a distance of 20.00 feet to the Eastern line of Del Monte Lane; thence along said Eastern line and along the Northeastern line of Del Monte Lane the three following courses and distances; North $0^{\circ}13'$ West 278.55 feet; Northerly and Northwesterly on the arc of a curve to the left with a radius of 165.87 feet, central angle of $49^{\circ}25'$, an arc distance of 140.79 feet to the true point of beginning; thence North $49^{\circ}38'$ West 480.52 feet; thence North $54^{\circ}04'43''$ West 463.86 feet to a point on the Southwesterly right of way of the Lake Ditch; thence South $34^{\circ}10'$ East 32.5 feet; thence South $34^{\circ}45'$ East 163.5 feet; thence South $25^{\circ}45'$ East 155.45 feet; South $16^{\circ}00'$ East 40 feet; thence South $21^{\circ}45'$ East 218.46 feet to the Northerly side of Lake Ditch; thence along the Northerly side of Lake Ditch, North $81^{\circ}57'$ West 138.8 feet; South $68^{\circ}33'$ West 35.9 feet; South $52^{\circ}23'$ West 89 feet; thence South $75^{\circ}21'$ West 33.86 feet to the place of beginning.

PARCEL 2:

TOGETHER with a right of way and easements for irrigation ditch from the service gate on the said Last Chance Ditch to the point of entrance on the above described premises, with the right of ingress and egress, to inspect, clean and repair said irrigation ditch.

The above legal description was taken from prior Document No. 3127142.

APN: 848-581-04